SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
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EXCISE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No. 4/Ex **Dated: 19.06.2025**

NOTIFICATION

In exercise of the powers conferred by clause (a) of section 77 read with section 10 of Sikkim Excise Act, 1992 (2 of 1992), the Government of Sikkim hereby makes the following rules, namely:-

Short title, extent, and commencement

1. (1) These rules may be called the Sikkim Excise (Microbrewery/ Brewpub)Rules, 2025.

(2) They shall extend to the whole of Sikkim.

(3) They shall come into force on the date of their publication in the Official Gazette.

Application

2. These rules shall apply for the grant of license for establishment and functioning of Microbreweries and Brewpubs and conditions governing thereof.

Definitions

3. (1) In these rules, unless the context, otherwise requires:-

(a) "Act" means the Sikkim Excise Act, 1992;

(b) "Beer" means a fermented alcoholic beverage made from barley malt or other malted grains, sometimes with added adjuncts like wheat, maize, corn, rice, or other cereal crops, and with hops or hop extracts to impart a bitter taste and flavour;

(c) "Brewpub" means a small brewery with an installed capacity of not more than 500 litres per day, where draught beer is manufactured, and the same is served to their customers for consumption within the premises;

(d) "Commissioner" means the Commissioner of Excise Department;

(e) "Draught beer" means a beer of all types i.e., lager, ale, stout and porter or wheat, and may or may not be pasteurized,which is served from a vat/cask/keg;

(f) "Dry day" means a day on which no liquor shall be served in the licensed premises;

(g) "Educational institution" means any school, college, or any such institution registered under the Education Department, Government of Sikkim;

(h) "Form" means any forms appended to these rules;

(i) "Government" means the State Government of Sikkim;

(j) "Hospital" means any hospital which is managed or owned by the State/Union Government or any private hospital having a provision of at least 10 beds and registered under the Health Care, Human Services & Family Welfare Department, Government of Sikkim;

(k) "License" means license granted under these rules;

(l) "Licensee" means an individual or a firm or a company incorporated under Registration of Companies Act, Sikkim, 1961 or Companies Act, 2013 to whom a license under these rules is granted;

(m) "License fee" means annual license fee as per the Government Gazette issued from time to time;

(n) "License period" means a period beginning on the date of issue of the license and ending on 31st March of the same financial year;

(o) "Microbrewery" means a small brewery with an installed capacity of not more than 1000 litres per day, where draught beer is manufactured, and the same is served to their customers for consumption within the premises and may be sold to hotels and restaurants with a valid bar license in kegs;

(p) "Place of worship" means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called and is registered under the Ecclesiastical Affairs Department, Government of Sikkim.

(2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Sikkim Excise Act, 1992.

Application for license

4. (1) Any person or a registered firm or a registered company desirous to obtain a license for Microbrewery or Brewpub shall apply to the Commissioner in Form A(1) along with the necessary documents as prescribed in the appendix of Form A(1) appended to these rules on payment of respective form fees (non-refundable) as the State Government may, by notification in the official Gazette, prescribe from time to time.

(2) On receipt of Form A(1), the Commissioner shall examine the details and if satisfied shall depute an officer not less than the rank of Assistant Commissioner to verify the proposed site and submit the verification report in Form A(2) to the Commissioner.

(3) On receipt of Form A(2), the Commissioner shall examine the details and if satisfied shall forward the case to the Government with his recommendation for grant of clearance to set up the Microbrewery/Brewpub.

(4) On approval of the Government, the applicant shall be issued a clearance in Form A(3) on payment of such fee as the State Government may, by notification in the official Gazette prescribe from time to time. The clearance issued shall have a validity period of two years. The applicant shall take all effective steps and set up the microbrewery/brewpub within this period.

(5) The clearance issued shall be renewed on the expiry of validity period on payment of the requisite fee and the applicant shall submit a quarterly progress report.

(6) On completion of the setting up of the microbrewery/brewpub, the licensee shall submit an application to the Commissioner for the grant of license for Microbrewery/Brewpub in Form B(1), along with the necessary documents as prescribed in the appendix of Form B(1) appended to these rules.

(7) The Commissioner shall depute an officer not less than the rank of Assistant Commissioner to verify the proposed site and submit the completion report in Form B(2) to the Commissioner.

(8) The Commissioner having due regard to requirement and other factors as he deems fit, shall issue the Excise License in Form C on payment of the requisite license fee and security deposit.

Restrictions on the grant of license

5. (1) No license shall be granted;

(a) unless the premise is equipped to cook and serve high-quality, complete meals to consumers, as authorized by the local authority;

(b) within 500 meters from educational institutions recognized by Government;

(c) within 300 meters from places of worship;

(d) within 300 meters from hospitals;

(e) within 300 meters of predominantly residential areas. Licenses may however be sanctioned if the proposed premise is located on a main road used for shopping purposes.

Provided that the restrictions in clauses (a) to (e) shall not be applicable to Star Hotels (3 Star and above) registered under Tourism and Civil Aviation Department, Government of Sikkim.

Persons not eligible for grant of license

6. (1) The following persons shall not be eligible for grant of license, namely:

(a) persons below the age of 21 years;

(b) persons without valid Sikkim Subject, Certificate of Identification (COI) or Residential Certificate (RC) issued by competent State Authority, unless the applicant is a company;

(c) persons who are convicted under the provisions of the Sikkim Excise Act, 1992 or Narcotics Drugs and Psychotropic Substances Act, 1985;

(d) persons suffering from any contagious disease solely in instances where they are required to personally handle the materials within the premises or elsewhere;

(e) defaulters in the payment of any form of revenue to the Government;

(f) Government employees.

Cancellation of license

7. The license granted shall be cancelled without compensation if the licensee fails to operate the microbrewery/brewpub according to these rules or violates any provisions of these rules or any provisions of the Sikkim Excise Act, 1992.

License Fee

8. (1) The license fees for microbrewery/brewpub and security deposits of equivalent amount of license fees shall be such, as the State Government may, by notification in the Official Gazette prescribe from time to time.

(2) The security deposit in the form of Fixed Deposit Receipt (FDR) in the name of the Commissioner shall be submitted by the applicant.

Brand Registration

9. (1) The licensee shall submit an application in Form D(1) to the Commissioner along with the testing report and required brand registration fee as the State Government, may by notification prescribe from time to time.

(2) The licensee shall also get the brand re-approved for each licensed year by paying the brand registration fee as the State Government, may by notification prescribe from time to time.

(3) The Commissioner on receipt of such application and after causing an enquiry, if necessary, and on being satisfied that there is no objection to approve the brand, may approve the brand in Form D(2).

(4) The licensee shall manufacture and sell only those brand(s) that is(are) approved by the Commissioner.

Appointment of technical experts

10. (1) The licensee shall;

(a) hire a chemist holding a degree in Science with specialisation in;

i. Organic Chemistry (or)

ii. Bio-Chemistry (or)

iii. Alcohol Technology (or)

iv. Food Technology or any equivalent degrees

(b) hire a full-time head brewer with a minimum four years of experience and must be certified in a reputed brewing educational programme;

(c) submit the details of the chemist and the head brewer appointed along with their detailed resume and relevant certificates of education and experience to the Commissioner in writing. The beer so produced in the microbrewery/brewpub shall be released for sale only after it is certified fit for consumption by the chemist appointed by the licensee under rule 10(1). The licensee, chemist, and head-brewer shall be responsible for specifications and quality of the beer and its safety;

(d) arrange to draw the beer samples every quarter and forward the same to any NABL (National Accreditation Board for Testing and Calibration Laboratories) accredited laboratories for testing. The licensee shall submit the testing report to the Commissioner and display the same on their premise;

(e) not bottle the beer produced or sell them outside (except in case of Microbrewery where the beer can be sold in kegs to restaurants and hotels having a valid bar license).

Installation of flow meter

11. An electronic flow meter as per relevant Indian standards shall be installed between the fermentation tanks and the storage tanks. The flow meter shall be under the supervision of the officer in charge designated by the Commissioner.

Excise duty and other levies

12. (1) The excise duty shall be such, as the State Government may, by notification in the Official Gazette prescribe from time to time.

(2) 25% of excise duty and other applicable levies chargeable on the annual installed capacity shall be paid in advance. The advance amount paid shall be adjusted against the monthly payable duty which is calculated based on the flow meter reading assessed by the officer in charge at the end of every month.

(3) In the event of 75% and more utilisation of the advance duty paid as per sub-rule (2) against the monthly payable duty, the licensee shall again pay 25% of excise duty and other applicable levies chargeable on the annual installed capacity in advance.

(4) The actual production should not exceed the annual production/ installed capacity declared by the licensee. In the event of production exceeding the annual production/installed capacity, the excess production shall be charged double the excise duty and other levies.

Sale permitted at the licensed premises only

13. (1) The licensee shall sell the draught beer only at the premises specified in the license.

(2) No alteration of the licensed premises shall be made during the license period without the prior approval of the Commissioner.

(3) During the license period, the licensed premises shall not be moved from one location to another.

Hours of Business

14. The licensee shall transact business as per the timings specified in the Sikkim Excise (Licensing for Foreign Liquor Bar Shop) Rules, 2005 or as notified by the Government from time to time.

Dry Days

15. The licensee shall not sell beer manufactured in the microbrewery/ brewpub or any other alcoholic products to the customers on Dry Days as notified by the Government from time to time.

Death of a licensee

16. The license issued to the licensee shall be terminated and cannot be transferred to any descendants or legal heirs on his death.

Draught beer not to be sold or served to certain persons

17. (1) No draught beer shall be sold or served to the persons who, -

(a) is a lunatic;

(b) is known or believed to be in a state of drunkenness;

(c) is known to have participated or suspected that he is likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquillity;

(d) is an employee of the Police, Excise and other Government Departments while engaged in discharging their duties;

(e) is a soldier in uniform or the camp servants of military officers in their uniform;

(f) is below 21 years of age.

Standard measures to be followed

18. (1) The licensee shall;

(a) serve draught beer only in those containers whose capacity have been verified and approved by the Legal Metrology Unit of the State Government;

(b) mention the serving size and price of the draught beer offered to the customers on the bar menu.

Licensee to maintain accounts

19. The licensee shall maintain full and day to day accounts of draught beer received from the fermentation tank to the storage tank as per the flow meter reading in Form E(1). He shall also maintain such other returns as may be required by the Commissioner and he shall, for each month, send monthly statements and returns before the 5th of the following months in Form E(2) to the Commissioner duly authenticated by the Officer in Charge.

Statements of accounts to be furnished

20. The licensee shall furnish, on requisition any statement of accounts, statistics or any other particulars to the officers of the Excise Department not below the rank of an Excise Sub-Inspector.

Officers authorized to inspect premises

21. Any officer not below the rank of an Excise Sub-Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. It shall be competent for such inspecting officer to take such samples may, or to take charge of such records and registers as may be necessary, and it shall be incumbent on the licensee to comply and to offer reasonable assistance to such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the inspecting officer shall give a receipt or in the alternative make an entry in the inspection book in Form E(3) in this regard.

Inspection book to be maintained

22. An inspection book in Form E(3), shall be kept in the premise for the use of the inspecting officers and the licensee shall be responsible for its safe custody. The inspection book shall be the property of the Excise Department and shall be handed over to the officer concerned on expiry of the period of license.

License to be cancelled under certain circumstances

23. If any license or permit has been obtained by misrepresentation or by any other fraudulent means, the license or permit so obtained shall be liable to be cancelled and the licensee shall also be liable for prosecution. Also, the licensee shall be barred from getting any excise license for lifetime.

Licensee to abide by the provisions of the Act etc.

24. All licensees under these rules shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and orders made there under and shall abide by all the conditions of the license.

Removal of difficulties

25. If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Commissioner thereon shall be final.

Binita Chhetri (SES)
Commissioner, Excise Department

Form A(1)

(See rule 4(1))

Application for clearance to set up Microbrewery/Brewpub

(Delete the letter and words which are not applicable)

To,

The Commissioner of Excise
Government of Sikkim

Sir/Madam,

I/We am/are interested in setting up a Microbrewery/Brewpub in the state of Sikkim. The Microbrewery/Brewpub is proposed to be set up at;

_____ Place

_____ Village/Panchayat/Municipal Corporation

_____ District

_____ PIN

I/We agree to be abided by the provisions of the Sikkim Excise (Microbrewery /Brewpub Rules), 2025 with modifications/amendment made from time to time.

I/We am/are submitting herewith the details (Appendix 1) as required under rule 4(1) of the Sikkim Excise Microbrewery/Brewpub Rules, 2025.

I/We undertake to furnish any additional information required by you in this behalf.

Yours faithfully

Date : Name :

Place : Signature :

Appendix 1

1. Name of the Applicant
2. Residential Address
3. Aadhaar Card
4. PAN Card
5. Details of the company/partnership
    a. Company/Partnership details
        i. Name of the Company/Firm
        ii. PAN of the Company
        iii. Certificate of Registration (Company)
        iv. Firm Registration Certificate (Partnership/Proprietorship)
        v. GST Certificate
    b. Details of the promoters/partners
        i. Name
        ii. Residential Address
        iii. DIN (in case of company)
        iv. Aadhaar Card
        v. PAN Card
6. Sikkim Subject/Certificate of Identification/Residential Certificate (for other than Company)
7. Parcha/Land Documents
8. Detailed Project Report (DPR) with all the blueprints.
9. Trade License
10. FSSAI License
11. Pollution Certificate
12. Self-declaration
13. Certificate from the area MLA stating that the applicant is not a Government Employee.

Form A(2)

(See rule 4(2))

Verification report for granting clearance to set up Microbrewery/Brewpub

Ref No: _____/Ex Date:

Sir/Madam

With reference to the Application No: _____ dated _____ submitted by _____, resident of _____ for granting clearance to set up Microbrewery/Brewpub under the provisions of the Sikkim Excise (Microbrewery/Brewpub) Rules, 2025, I have conducted a detailed enquiry including the spot verification and the report is submitted below:

1	Whether there is any place of public worship?	Yes/No
	If yes, the shortest distance in feet between the boundaries.	_____ ft
2	Whether there is any educational institution nearby?	Yes/No
	If yes, the shortest distance in feet between the boundaries.	_____ ft
3	Whether there is any hospital nearby?	Yes/No
	If yes, the shortest distance in feet between the boundaries.	_____ ft
4	Whether there is any taxi stand nearby?	Yes/No
	If yes, the shortest distance in feet between the boundaries.	_____ ft
5	Latitude – Longitude of the site	
6	Is the proposed site and area same as mentioned in the parcha and DPR?	Yes/No
7	Are there any other existing establishment inside the proposed site?	Yes/No
	If yes, please give the details.	

Signature of the verifying officer

Name: _____

Designation: _____

Form A(3)

(See rule 4(4))

Clearanceto set up Microbrewery/Brewpub

Ref No: _____/Ex Date:

This clearance is hereby granted to _____ for setting up a Microbrewery/ Brewpub at

_____ Place

_____ Village/Panchayat/Municipal Corporation

_____ District

_____ PIN

based on the application submitted on _____ and the verification done on _____.

This clearance shall not confer any right on the applicant for the grant of license and the applicant shall not claim any compensation or loss in the event of not granting license.

This clearance is granted on the following terms and conditions:

1. The Microbrewery/Brewpub shall be constructed in compliance with the statutory laws and regulations and the department shall not be held liable for any violations by the applicant.

2. The department reserves the right to revoke this clearance in case;

   a. the construction is found inconsistent with any laws and regulations,

   b. the applicant violates any laws and regulations,

   c. the information furnished by the applicant proved to be wrong or misleading at any point of time,

   d. a court orders the same or a government body requests it on sufficient grounds.

Commissioner of Excise
Government of Sikkim

Form B(1)

(See rule 4(6))

Application for grant of license for Microbrewery/Brewpub

(Delete the letter and words which are not applicable)

To,

The Commissioner of Excise
Government of Sikkim

Sir/Madam,

With reference to the application number _____ dated _____ and the clearance number _____ granted on _____, this is to inform you that I/we have completed the construction/setting up of the Microbrewery/Brewpub.

I/We am/are submitting herewith the details (Appendix 2) as required under rule 4(6) of the Sikkim Excise (Microbrewery/Brewpub Rules), 2025 and request you to conduct the verification of the site and issue the license at the earliest.

I/We also undertake to furnish any additional information required by you in this behalf.

Yours faithfully

Date :

Name :

Place :

Signature :

Appendix 2

1. Trade License
2. Pollution Certificate
3. Calibration Certificate of the installed flow metersissued by Legal Metrology Unit.
4. Certificate of approval of the serving glasses/containers issued by the Legal Metrology Unit.
5. FSSAI License
6. NOC issued by the Sikkim Fire & Emergency Service.
7. NOC from Water Security & Public Health Engineering Department and Power Department.

Form B(2)
(See rule 4(7))

Verification report for granting license to set up Microbrewery/Brewpub

Ref No: _____/Ex Date:

Sir/Madam

With reference to the Application No: _____ dated _____ submitted by _____, resident of _____ for granting license to set up Microbrewery/Brewpub under the provisions of the Sikkim Excise (Microbrewery/Brewpub) Rules, 2025, I have conducted a detailed enquiry including the spot verification and the report is submitted below:

1	Whether the construction is done as per the blueprints and DPR submitted at the time of application?	Yes/No
2	Total built-up area.	_____ sq. ft.
3	Is the installed capacity same as per the DPR submitted at the time of application?	Yes/No
	Mention the annual installed capacity.	_____ litres
4	Are flow meters installed between the fermentation tank and the storage tank and the calibration certificate issued by legal metrology department is produced?	Yes/No
5	Are the serving glasses of standard sizes and the same is certified by legal metrology department?	Yes/No
6	Are all documents/licenses produced are updated?	Yes/No

Signature of the verifying officer

Name: _____

Designation: _____

Form C

(See rule 4(8))

License for Microbrewery/Brewpub

License No: _____/Ex Date:

License is hereby granted to _____ for operating Microbrewery/Brewpub at

_____ Place

_____ Village/Panchayat/Municipal Corporation

_____ District

_____ PIN

under the following terms and conditions.

Terms and Conditions

1. The licensee shall be bound by the provisions of the Sikkim Excise Act, 1992, and amendment thereunder, Sikkim Excise (Microbrewery/Brewpub) Rules, 2025, notifications, rules and orders made or issued from time to time.

2. The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Commissioner from time to time in regard to the control of the manufacture, possession and serving of draught beer.

3. The licensee shall be bound by such orders as may be passed by the State Government(or the Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.

4. The premises to be maintained neat and clean with proper ventilation, lighting and to meet all safety and emergency standards and the beer dispensing system including glasses, serving tables etc. to be maintained hygienically at all times.

5. Under no circumstances beer or any alcoholic drinks to be served to persons below the age of 21 years.

6. The payment of the license fees and excise duty as specified in the rule is to be paid in advance. No refund of fee or duty will be allowed, if the licensee is not able to operate the license.

7. The licensee shall strictly maintain timings of serving of beer to the customer as may be prescribed by the Commissioner from time to time.

8. The licensee is prohibited from manufacturing and serving any brands/type of beers other than those approved by theCommissioner.

9. The licensee shall furnish any statistics relating to manufacture and the sale of beer that may be required when called upon to do so by the Commissioner.

10. For any breach of the rules or the conditions of the license, the Commissioner may after giving a fortnight's notice to the licensee, suspend or cancel the license.

11. The licensee(shall not be entitled to any compensation on account of such suspension or cancellation.

Commissioner of Excise
Government of Sikkim

Date:

Seal:

Form D(1)

(See rule 9(1))

Application for approval of brands of draught beer

(Delete the letter and words which are not applicable)

To,

The Commissioner of Excise
Government of Sikkim

Sir/Madam,

I/We holder(s) of Microbrewery/Brewpub license, bearing license number _____ am/are submitting herewith the brand details as required under rule 9 (1) of the Sikkim Excise (Microbrewery/Brewpub Rules), 2025 for approval for the financial year ____-____.

Brand Name	**Type** (Ale/Lager/Stout etc.)	**Ingredients**	**Alcoholic Strength** (% v/v)	**Shelf life** (days)

I/we am/are also enclosing the testing report for each brand tested in a National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory for safety and quality parameters.

I/We also undertake to furnish any additional information required by you in this behalf.

Yours faithfully

Name :

Signature :

Date :

Place :

Enclosures: Testing report of each brand of beer

Form D(2)

(See rule 9(3))

Approval of brands of draught beer

Ref. No: _____/Ex Date:

The following brands of draught beer are approved for manufacturing and sale at _____ bearing excise license number _____ under rule 9(3) of The Sikkim Excise (Microbrewery/Brewpub) Rules, 2025 for the financial year _____ - _____.

Brand Name	**Alcoholic Strength**(% v/v)

This approval is given subject to the following conditions;

1. The licensee shall maintain all records of production and sale related to each brand and submit the records to the Commissioner when asked for.

2. This approval is liable to be withdrawn in the event of contravention of the provisions of the Sikkim Excise (Microbrewery/Brewpub) Rules, 2025.

Commissioner of Excise
Government of Sikkim

Form E(1)

(See rule 19(1))

Daily Accounts Register

Name of the licensee: License Number: Month:

Minimum advance excise duty to be maintained: Rs _____

Minimum advance additional excise duty to be maintained: Rs _____

Minimum advance educational cess to be maintained: Rs _____

Date	Brand Name	Batch Number	Initial flowmeter reading	Final flowmeter reading	Total volume (b – a) (a)	Excise Duty deposited (b)	Excise Duty utilized	Excise Duty balance	Additional Excise Duty	Additional Excise Duty deposited	Additional Excise Duty utilized	Educational Cess balance	Educational Cess deposited	Educational Cess utilized balance

Daily Sales Data

Name of the licensee:

License Number:

Month:

Date	**Brand Name**	**Batch Number**	**Serving Size** (ml)(a)	**Units sold** (b)	**Total volume** (l)((a ´ b) ¸ 1000)

Form E(2)

(See rule 19(1))

Monthly Report

Name of the licensee: License Number: Month:

Brand Name	**Batch Number**	**Total production volume** (in l)	**Total Excise Duty Deposited**		**Total Additional Excise Duty Deposited**		**Total Educational Cess Deposited**	
			BR Number	**Amount**(Rs)	**BR Number**	**Amount**(Rs)	**BR Number**	**Amount**(Rs)

Form E(3)

(See rule 22(1))

Inspection Book

Date	Time	Name of the officer	Designation	Remarks	Signature